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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Case No. CR 08-0362 MAG

Plaintiff,)

v.)

CALEB V. RELITZ,)

Defendant.)

**DECLARATION OF SARA KIM IN
SUPPORT OF UNITED STATES'
MOTION FOR SUMMONS**

I, Sara Kim, hereby declare as follows:

1. I am a law clerk in the United States Attorney's Office assigned to the prosecution of this case. I have received the following information from United States Park Rangers employed by the National Park Service and from reports and other documents provided to me by the National Park Service.

2. On April 12, 2008, at approximately 7:15 p.m., National Park Service Rangers Mark Andrews ("Andrews") and Chad Marin ("Marin") were on foot patrol in the Stinson Beach Roadway/parking area. The heavy traffic allowed Rangers Marin and Andrews to conduct traffic stops while on foot.

3. As Rangers Marin and Andrews walked along the line of outbound vehicles, Ranger

1 Marin observed in plain view an open beer can in the front console between the driver and
2 passenger in the vehicle driven by a subject, later identified as Caleb V. Relitz ("Defendant").
3 Ranger Marin ordered that the vehicle pull off to the side. After Ranger Marin repeated his
4 command several times, the vehicle came to a complete stop.

5 4. Ranger Marin approached the driver's side front window and told Defendant to shut off
6 the vehicle and hand him the can of beer. Defendant appeared to hesitate, but complied with the
7 request. Ranger Marin confirmed that the can did contain a measurable amount of liquid.
8 Ranger Marin requested that Defendant produce his driver's license. Defendant was unable to
9 provide identification except by verbal name and date of birth. When questioned, Defendant
10 admitted knowledge that his license to drive had been suspended for a "DUI". Ranger Andrews
11 then performed field sobriety tests on Defendant.

12 5. Ranger Andrews asked Defendant to step out and move to the front of his vehicle.
13 Defendant slowly exited the vehicle and moved to the front of the vehicle, but then began
14 walking away until Ranger Andrews ordered him to stop and return to the area in front of his
15 vehicle. Ranger Andrews asked Defendant how much he had had to drink. Defendant replied,
16 "A couple of beers." Ranger Andrews then asked when he had been drinking. He replied, "two
17 or three hours ago."

18 6. Ranger Andrews conducted three field sobriety tests on Defendant: (1) Horizontal Gaze
19 Nystagmus; (2) Walk and Turn; and (3) One Leg Stand.

20 7. Upon completing the Standardized Field sobriety tests, Ranger Andrews determined
21 Defendant was under the influence of alcohol to a degree that he posed a hazard to himself and
22 others. Rangers Andrews and Marin used a Portable Breath Test Breathalyzer to collect a breath
23 sample from the defendant. Defendant's Preliminary Alcohol Screening ("PAS") results were
24 .108% and .118% BAC, respectively.

25 8. Based on Ranger Andrews' observations and Defendant's performance on the field
26 sobriety tests, Ranger Andrews placed Defendant under arrest for 36 C.F.R. § 4.23(a)(1) -
27 Operation of a motor vehicle while under the influence of alcohol.

28 9. At Marin County Jail, Rangers Andrews and Marin attempted to have Defendant perform

1 the Evidential Portable Alcohol System ("EPAS") blood alcohol breath test. Defendant told
2 them that he has asthma and was unable to give a sufficient breath sample. Defendant consented
3 to a blood test and his blood was drawn at approximately 9 p.m.

4 10. The results of Defendant's blood test completed on May 2, 2008, from the Santa Rosa
5 Laboratory indicate that Defendant had a blood alcohol level of 0.09%.

6 11. I declare under penalty of perjury according to the laws of the United States that the
7 foregoing is true and correct to the best of my knowledge and belief.

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9 Executed June 3, 2008, at San Francisco, California.

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12 _____ /s/
13 SARA KIM
14 Law Clerk
15 United States Attorney's Office
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